

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

CONTENTGUARD HOLDINGS, INC.,

Plaintiff,

v.

AMAZON.COM, INC.; APPLE INC.;
BLACKBERRY LIMITED (FKA RESEARCH
IN MOTION LIMITED) AND BLACKBERRY
CORPORATION (FKA RESEARCH IN
MOTION CORPORATION); HTC
CORPORATION AND HTC AMERICA, INC.;
HUAWEI TECHNOLOGIES CO., LTD. AND
HUAWEI DEVICE USA, INC.; MOTOROLA
MOBILITY LLC; SAMSUNG ELECTRONICS
CO., LTD., SAMSUNG ELECTRONICS
AMERICA, INC., and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC,

Defendants.

No. 2:13-cv-01112 (JRG)

JURY TRIAL DEMANDED

**NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF DEFENDANTS’
JOINT RENEWED MOTION FOR JUDGMENT ON THE PLEADINGS DECLARING
ALL ASSERTED PATENT CLAIMS INVALID PURSUANT TO 35 U.S.C. § 101**

Defendants Amazon.com, Inc. (“Amazon”), Apple, Inc., HTC Corporation and HTC America, Inc., Huawei Technologies Co. and Huawei Device, USA, Inc., Motorola Mobility LLC, and Samsung Electronics Co., LTD., Samsung Electronics America, and Samsung Telecommunications America, LLC file this notice to inform the Court of a recent decision supporting Defendants’ Joint Renewed Motion for Judgment on the Pleadings Declaring All Asserted Patent Claims Invalid Pursuant to 35 U.S.C. § 101 (Dkt. No. 539).

During the February 5, 2015, hearing on Amazon’s Motion to Dismiss Second Amended Complaint, the Court inquired whether a patent’s claims must preempt all possible applications of an abstract idea to be invalid under 35 U.S.C. § 101. In *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, --- F.3d ---, Nos. 2014-1139, 2014-1144, 2015 WL 3634649, at *7 (Fed. Cir. June 12,

2015) (attached as Exhibit A), the Federal Circuit answered this question in the negative: “While preemption may signal patent ineligible subject matter, the absence of complete preemption does not demonstrate patent eligibility.”

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). This document was served on all counsel who have consented to electronic service via email on June 17, 2015. See Local Rule CV-5(a)(3)(A).

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